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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/930,786	08/15/2001	Ronald E. Sloan	60021-375602	3301

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EXAMINER

PWU, JEFFREY C

ART UNIT	PAPER NUMBER
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3628

DATE MAILED: 07/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/930,786	SLOAN ET AL.	
	Examiner	Art Unit	
	Jeffrey Pwu	3628	MW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 1 recites the limitation "the life intentions". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-42 are rejected under 35 U.S.C. 102(e) as being unpatentable over Moran (U.S. 6,430,542)

Moran discloses:

A system and method for developing a web-based financial portfolio remotely over the Internet, comprising:

identifying a current financial portfolio of a user (method steps of figs.9, 16, and 28; 236)

identifying a user profile based on personal financial parameters of the user including at least a risk tolerance level (figs.9, 16, and 28);

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providing to the user over an Internet customized financial coaching tailored to the life intentions of the user, wherein the customized financial coaching includes suggestions for changes to the current financial portfolio reflecting the user profile, wherein the suggestions are presented in a natural language format, and wherein the suggestions include financial products and recommended securities for the user to purchase (figs. 1-3);

wherein the personal financial parameters further include: a user investment style; and a user bull/bear market attitude (2, 24, 28, 40, 42, 46, 50, 52);

wherein said user risk tolerance level is determined by: displaying to the user a series of progressively more negative financial scenarios; analyzing a response to each negative scenario received from the user (87);

generating the risk tolerance level based on the user's responses (87; figs. 29-33);

wherein said user investment style is determined by: displaying to the user a series of test scenarios(87; figs. 29-33);

generating said user investment style based on the user responses to these test scenarios (87; figs. 29-33);

wherein said user bull/bear attitude is determined by: displaying a series of user selected expert opinions; analyzing the user's response to the opinion; and generating said user bull/bear attitude based on the user responses (87; figs. 29-40);

filtering a list of securities based on the user profile, wherein filtering the list of securities yields the recommended securities (; figs. 29-40);

presenting the recommended securities the user for possible security swaps, wherein securities can be added to or removed from the portfolio (figs. 29-40);

wherein filtering the list of securities comprises: obtaining a Value At Risk (VAR) value and a Beta value for each security in the list of securities (col.9, line 36-col.16, line 16)

rejecting securities in the list of securities not complying with the user profile based on the VAR values and the Beta values (col.23, line 64-col.24, line 50);

wherein a risk management model is used to calculate a user VAR value and a user Beta value for the portfolio(col.23, line 64-col.24, line 50);

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comparing the user VAR value and the user Beta value to a VAR value and a Beta value of various user selected market indices (col.23, line 64-col.24, line 50);

displaying the result to the user in a graph (fig.21);

wherein a compound growth factor is calculated by: using linear regression and natural logarithm (FAS 10, ALPIE 276 data calculations);

wherein a future performance of the portfolio is projected using the compound growth factor (ALPIE 276);

allowing the user to select at least one security from the filtered list of securities (FAS 10);

swapping the selected securities with securities in the portfolio; and analyzing and displaying the effect of said swapping on the portfolio (col.23, line 64-col.24, line 50);

wherein the filtered list of securities are is displayed in a first column and a second column, wherein securities with positive Beta values are displayed in the first column and securities with negative Beta values are displayed in the second column (col.23, line 64-col.24, line 50);

wherein a financial model developer creates an ideal portfolio based on the user profile (col.23, line 64-col.24, line 50); and

wherein the user has access to automated computer coaching and live coaching based on a service level agreement (col.23, line 64-col.24, line 50).

Response to Arguments

3. Applicant's arguments with respect to claims 1-42 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey Pwu whose telephone number is 703 308-7835. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sam Sough can be reached on 703 308-0505. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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JEFFREY PWU
PRIMARY EXAMINER